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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/629,925 | 07/30/2003 | Harald Moschutz | ZTP01P12002 | 1935 |
| 24131 | 7590 | 12/01/2004 | EXAMINER | |
| LERNER AND GREENBERG, PA P O BOX 2480 HOLLYWOOD, FL 33022-2480 | | | O MALLEY, KATHRYN S | |
| | | ART UNIT | PAPER NUMBER | |
| | | 3749 | | |

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) |
|------------------------------|---------------------|-----------------|
| | 10/629,925 | MOSCHUTZ ET AL. |
| | Examiner | Art Unit |
| | Kathryn S. O'Malley | 3749 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 September 2004.
2a) This action is **FINAL**. 2b) This action is non-final.
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 21 is/are allowed.

6) Claim(s) 1-5,8-10 and 18-20 is/are rejected.

7) Claim(s) 6, 7, 11-17 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2 September 2004, with respect to the rejection(s) of claim(s) 1-5, 8-10, and 18-20 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, as Applicant's comments have given Examiner a fuller understanding of the Takeyama reference, new ground(s) of rejection have been made. Page 2
2. Regarding Applicant's statement in page 4, second paragraph of the Remarks of 2 September 2004 that the Takeyama reference "is contrary" to the claims of the present application, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. It seems to this examiner that the Takeyama reference teaches all limitations of present claims 1-5, 8, and 18-20 and, without a precise argument of which limitation Applicant believes to be absent, and as an attempt to contact Applicant's Representative on 23 November 2004 was unsuccessful, the following rejections have been made.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5, 8, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 4,307,096 to Takeyama.
5. Takeyama teaches a laundry dryer with rotatable drum 1 and stationary drying rack comprising grilled surfaces bottom 51, sides 52, rear 53, and top 9 wherein the side and rear surfaces are connected to one another by pivoting hinges 55, enabling inner access at all surface edges, and the rack is connected to the drum with fastening devices 8. Note Figures 2, 3, and 8 and the first full paragraph of page 3 of Applicant's Remarks filed 2 September 2004.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeyama, as applied to claim 8 above.
8. Takeyama does not teach the thickness ratio claimed. However, such a limitation would have been obvious to one of ordinary skill in the art since it has been held that where the general conditions of a claim are disclosed in the prior art,

discovering the optimum or workable ranges involves only routine skill in the art. In re Aller, 105 USPQ 233.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takeyama as applied to claim 1 above, and further in view of US Patent 6,374,644 to Rhode et al.

10. Takeyama does not teach surfaces with netting and a frame. Rhode et al. teaches a similar laundry rack comprising opposing parallel planes 22 and 20 formed of a wire mesh with a frame. Note column 5, lines 46-55 and Figure 1. As Rhode et al. teaches that mesh with a frame will provide a safe and effective barrier for laundry being treated in a rotary drum, it would have been obvious to one of ordinary skill in the art to modify the drying rack of Takeyama with the opposing surfaces comprised of mesh and frame taught by Rhode et al.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathryn S. O'Malley whose telephone number is (703)308-2844. The examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on (703)308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KSO



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